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09/578,816	05/24/2000	Robert C. Yen	RCY1P001	5969

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Offic Action Summary	Application No. 09/578,816	Applicant(s) YEN, ROBERT C.	
	Examiner April L Baugh	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3&4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim1-9 and 27 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 5,956,716 to Kenner et al.

Regarding claim 1, Kenner et al. teaches a method for satisfying a request for content from a web server (column 1, lines 40-43), said method comprising: (a) determining whether a response to the request can be delayed; (b) processing the request to obtain the response in an intentionally delayed manner when said determining (a) determines that the response to the request can be delayed (column 25, lines 41-54); and (c) processing the request without any intentional delay when said determining (a) determines that the response to the request cannot be delayed (column 2, lines 2-5).

Referring to claim 2, Kenner et al. teaches a method as recited in claim 1, wherein said processing (b) allows a group of requests for the same content to be processed together so as to reduce congestion at the web server (column 25, lines 41-45).

Regarding claim 3, Kenner et al. teaches a method as recited in claim 1, wherein the intentionally delayed manner is based on a predetermined delay (column 25, lines 41-45).

Referring to claim 4, Kenner et al. teaches a method as recited in claim 3, wherein the intentionally delayed manner is based on at least one of a time delay and a quantity threshold (column 25, lines 41-45 and column 31, lines 16-20).

Regarding claim 5, Kenner et al. teaches a method for sending data over the Internet, said method comprising: receiving a plurality of requests for a particular resource provided at a remote server on the Internet, the plurality of requests being provided by different requestors; retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests; and thereafter sending the particular resource to the different requestors (column 25, lines 41-54).

Referring to claim 6, Kenner et al. teaches a method as recited in claim 5, wherein the plurality of requests for the particular resource are all received within a predetermined period of time (column 25, lines 41-44).

Regarding claim 7, Kenner et al. teaches a method as recited in claim 6, wherein said requesting is performed after the oldest one of the plurality of requests has been delayed for the predetermined period of time (column 25, lines 46-48).

Referring to claim 8, Kenner et al. teaches a method as recited in claim 5, wherein said requesting is performed after a predetermined quantity of the plurality of requests have been received (column 31, lines 16-20).

Regarding claim 9, Kenner et al. teaches a method as recited in claim 5, wherein said requesting is performed after the oldest one of the plurality of requests has been delayed for the predetermined period of time or after a predetermined quantity of the plurality of requests have been received (column 25, lines 46-48 and column 31, lines 16-20).

Referring to claim 27, Kenner et al. teaches in a data network, a method for delivering a response from a server to requests from clients, wherein the improvement comprises processing the response in a group of responses for the same resource so as to reduce congestion at the server (column 25, lines 41-54).

3. Claim15-21, 23-26, and 28 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 6,356,948 to Barnett et al.

Regarding claim 15, Barnett et al. teaches a data transmission system for transmitting data from content servers to requestors through a data network (column 1, lines 17-19), said data transmission system comprising: a plurality of data distribution centers (column 3, lines 30-33), said data distribution centers being connected to the data network, wherein data transmissions between the content servers and said data distribution centers use a multi-destination format so as to reduce congestion (column 2, lines 9-13).

Referring to claim 16, Barnett et al. teaches a data transmission system as recited in claim 15, wherein the multi-destination format uses multi-destination data packets, the multi-destination data packets include at least multiple destination fields and a data field (Fig.6 and column 3, lines 8-12).

Regarding claim 17, Barnett et al. teaches a data transmission system as recited in claim 15, wherein the data network is the Internet (column 4, lines 18-20).

Referring to claim 18, Barnett et al. teaches a data transmission system as recited in claim 15, wherein said data distribution centers are utilized between the content servers and the requestors (column 3, lines 30-33).

Regarding claim 19, Barnett et al. teaches a data transmission system as recited in claim 15, wherein data transmissions between said data distribution centers use a multi-destination format (column 2, lines 9-13 and column 3, lines 8-12).

Referring to claim 20, Barnett et al. teaches a data transmission system as recited in claim 15, wherein data distribution centers service a large number of content servers and only temporarily store data being requested and to be transmitted to the requestors (column 4, lines 45-47).

Regarding claim 21, Barnett et al. teaches a system for transmitting data through a data network from servers to clients, said system comprising: a plurality of data distribution centers coupled to the data network; and server modules provided in the servers, said server modules operate to receive data to be transmitted to the clients and to from multi-destination packets to carry the data to at least one of said data distribution centers, wherein said data distribution centers receive the multi-destination packets from said server modules and operates to convert the multi-destination packets into single-destination packets and to delivery the single destination packets to the appropriate clients (column 2, lines 9-13 and column 3, lines 8-12 and lines 30-33).

Referring to claim 23, Barnett et al. teaches a system as recited in claim 21, wherein the data network is a global computer network (column 4, lines 3-4 and column 8, lines 57-59).

Regarding claim 24, Barnett et al. teaches a system as recited in claim 21, wherein the multi-destination packets include a plurality of destination locations and data (column3, lines 8-12 and Fig. 6).

Regarding claim 25, Barnett et al. teaches a method for transferring data through a data network from a server to clients, wherein the improvement comprises transferring the data between the server and a data distribution center using a multi-destination format, thereby reducing congestion at the server (column 2, lines 9-13 and column 3, lines 8-12).

Referring to claim 26, Barnett et al. teaches a method as recited in claim 25, wherein the data distribution center does not normally store the data residing on the server but instead obtains the data from the server when needed (column 4, lines 45-47).

Regarding claim 28, Barnett et al. teaches a system for sending data over the Internet, said system comprising: means for receiving a plurality of requests for a particular resource provided at a remote server on the Internet, the plurality of requests being provided by different requestors; means for retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests; and means for thereafter sending the particular resource to the different requestors (column 2, lines 6-13, column 3, lines 7-11, and column 4, lines 18-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,956,716 to Kenner et al. in view of Barnett et al.

Referring to claim 10 and 11, Kenner et al. teaches a method as recited in claim 9 (column 25, lines 46-48 and column 31, lines 16-20) and 5 (column 25, lines 41-54).

Kenner et al. does not teach forming multi-destination data packets. Barnett et al. teaches wherein said sending of the particular resource to the different requestors comprises: forming multi-destination data packets to carry data of the particular resource; and transmitting the multi-destination data packets (column 3, lines 8-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for delivery of data over a computer network of Kenner et al. by forming multi-destination data packets because this decreases bandwidth and delay by combining the data and the multiple destination addresses that requested the data into one packet.

Regarding claim 12, Kenner et al. teaches a method as recited in claim 5 (column 25, lines 41-54).

Kenner et al. does not teach forming and transmitting multi-destination data packets to carry data of the particular resource. Barnett et al. teaches wherein a data distribution center is coupled to the Internet to assist with the transfer of data (column 3, lines 30-33), and wherein said sending of the particular resource to the different requestors comprises: forming multi-destination data packets to carry data of the particular resource; transmitting the multi-destination data packets from the remote server to the data distribution center (column 3, lines 8-12); converting the multi-destination data packets received at the to data distribution center into single destination data packets; and transmitting the single-destination data packets from the data distribution center to the different requestors, thereby delivering the particular resource requested to the different requestors (column 2, lines 9-14). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to further modify the system and method for delivery of data over a computer network of Kenner et al. by forming and transmitting multi-destination data packets to carry data of the particular resource because this decreases bandwidth and delay by combining the data and the multiple destination addresses that requested the data into one packet.

Regarding claim 13, Kenner et al. teaches a method for servicing a request for a resource over a data network, said method comprising: (a) receiving requests for resources; (b) temporarily storing the requests for resource in a queue; (c) identifying a request in the queue for a particular resource that has been waiting for more than a predetermined period of time; (d) requesting data for the identified request for the particular resource from a remote content server (column 25, lines 41-54).

Kenner et al. does not teach forming and transmitting multi-destination data packets. Barnett et al. teaches (e) forming multi-destination data packets for responses to the identified request and other requests in the queue for the particular resource; and (f) transmitting the multi-destination data packets (column 3, lines 8-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for delivery of data over a computer network of Kenner et al. by forming and transmitting multi-destination data packets because this decreases bandwidth and delay by combining the data and the multiple destination addresses that requested the data into one packet.

Referring to claim 14, Kenner et al. teaches a method as recited in claim 13 and responses to the identified request and other of the requests in the queue for the particular resource that are destined for the same geographical region (column 5, lines 43-44 and 61-62).

Kenner et al. does not teach forms the multi-destination data packets. Barnett et al. teaches wherein said forming (e) forms the multi-destination data packets for responses to the identified request and other of the requests in the queue for the particular resource (column 3, lines 8-12). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system and method for delivery of data over a computer network of Kenner et al. by forming the multi-destination data packets because this decreases bandwidth and delay by combining the data and the multiple destination addresses that requested the data into one packet.

5. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,356,948 to Barnett et al. in view of Kenner et al.

Regarding claim 22, Barnett et al. teaches a system as recited in claim 21 and data distribution centers (column 3, lines 30-33).

Barnett et al. does not teach geographically different locations. Kenner et al. teaches geographically different locations (column 5, lines 43-44 and 61-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the method and apparatus for managing data of Barnett et al. by having geographically different locations because having the distribution centers in different locations optimizes the process of responding to request.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to reduction or delay and bandwidth requirements in internet data transfer:

US Pat No. 5,808,607 to Brady et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9149 for regular communications and 703-746-9149 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB
May 16, 2003

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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